

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

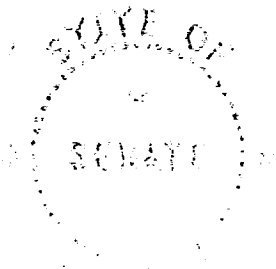
CHAPTER 234

HOUSE BILL 2635

AN ACT

AMENDING SECTION 28-450, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2004, CHAPTER 188, SECTION 25; AMENDING TITLE 28, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3006; RELATING TO DEPARTMENT OF TRANSPORTATION RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-450, Arizona Revised Statutes, as amended by
3 Laws 2004, chapter 188, section 25, is amended to read:

4 28-450. Release of information prohibited; classification;
5 definition

6 A. Notwithstanding section 28-447, the department shall not:

7 1. Divulge information from a vehicle title or registration record
8 unless the person who requests the information provides to the department all
9 of the following:

10 (a) The name of the owner.

11 (b) The vehicle identification number of the vehicle.

12 (c) The vehicle license plate number assigned to the vehicle.

13 2. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION, release a copy
14 of a record or divulge information concerning a person's driving record
15 unless the person requesting the driving record provides to the department
16 all of the following:

17 (a) The name of the licensee or the name of the person whose record is
18 requested.

19 (b) The driver license number of the licensee, a statement that the
20 person whose record is requested has not applied for a license or a statement
21 that the license has been suspended or revoked.

22 (c) The date of birth of the licensee or the expiration date of the
23 driver license of the licensee.

24 B. Subsection A of this section does not apply to:

25 1. A licensed private investigator.

26 2. A financial institution or enterprise under the jurisdiction of the
27 department of financial institutions or a federal monetary authority.

28 3. A federal, state or local governmental agency, including any court,
29 law enforcement agency or political subdivision, that is carrying out its
30 functions or any private person or entity that is acting on behalf of the
31 governmental agency and that is carrying out the person's or entity's
32 functions.

33 4. An attorney who is admitted to practice in this state and who
34 alleges that the information is relevant to a pending or potential court
35 proceeding.

36 5. A motor vehicle dealer who is licensed and bonded by the department
37 or a state organization of licensed and bonded motor vehicle dealers.

38 6. The release of any of the following information to a person who is
39 involved in an accident or to the owner of a vehicle involved in an accident
40 if the person who requests the information submits proof to the department of
41 involvement in the accident:

42 (a) The driving record of a person who operates a motor vehicle
43 involved in the accident.

44 (b) The vehicle title or registration record of a vehicle involved in
45 the accident.

1 7. The release of the driving record or title and registration record
2 if that record is for the requester's vehicle or is the requester's own
3 driving record, except that the director may require any information from the
4 requester that is deemed necessary to ensure that the requester is entitled
5 to receive the record.

6 8. An insurer that writes automobile liability or motor vehicle
7 liability policies and that is under the jurisdiction of the department of
8 insurance, except that an insurer or its authorized agent requesting
9 information pursuant to subsection A of this section shall provide two of the
10 three requirements under subsection A, paragraph 1 or 2 of this section
11 before the department divulges or releases the information.

12 9. The release of a title and registration record if all of the
13 following conditions exist:

14 (a) The requester verifies to the satisfaction of the director that
15 the vehicle on which the requester is requesting the record is in the
16 requester's possession.

17 (b) The record is requested in order for the requester to notify the
18 registered owner of the requester's intent to apply to the department for a
19 bonded title.

20 (c) The requester provides a verification of a vehicle inspection that
21 was performed by an authorized department employee or agent.

22 10. An operator of a self-service storage facility located in this
23 state who alleges all of the following:

24 (a) That the vehicle on which the operator is requesting the record is
25 in the operator's possession.

26 (b) That the record is requested to allow the operator to notify the
27 registered owner and any lienholders of record of the operator's intent to
28 foreclose its lien and to sell the vehicle.

29 (c) That the operator obtained a verification of a vehicle inspection
30 that was performed by an authorized department employee or agent.

31 C. An authorized agent shall promptly deliver information received
32 from the department pursuant to subsection A of this section and subsection
33 B, paragraph 8 of this section to the insurer that originally requested the
34 information. An authorized agent shall not copy, retain or transfer by any
35 means any of the information for the authorized agent's own use or for use by
36 persons other than the insurer that originally requested the information.

37 D. The department shall not release to an insurer, broker, managing
38 general agent, authorized agent or insurance producer any information in a
39 person's driving record pertaining to a traffic violation that occurred forty
40 months or more before the date of the request for the release of the
41 information.

42 E. THE DEPARTMENT, PURSUANT TO SECTION 28-3006, SHALL PROVIDE FOR THE
43 RELEASE OF NAME AND ADDRESS INFORMATION CONTAINED IN A PERSON'S DRIVING
44 RECORD TO AN ORGAN PROCUREMENT ORGANIZATION THAT IS LOCATED IN THIS STATE AND
45 THAT MEETS THE REQUIREMENTS OF SECTION 371 OF THE PUBLIC HEALTH SERVICE ACT

1 (58 STAT. 682; 42 UNITED STATES CODE SECTION 273) IF THE PERSON AUTHORIZES
2 THE RELEASE OF THE INFORMATION FOR THE PURPOSE OF BEING REGISTERED AS AN
3 ORGAN DONOR IN THE ANATOMICAL GIFT REGISTRY MAINTAINED PURSUANT TO SECTION
4 36-842.01.

5 E. F. An authorized agent who commits any of the following acts with
6 regard to information received pursuant to subsection A of this section and
7 subsection B, paragraph 8 of this section is guilty of a class 1 misdemeanor:

8 1. Uses a false representation to obtain information from a department
9 record.

10 2. Sells or otherwise distributes the information obtained from the
11 department to a person or organization for purposes that are not disclosed in
12 the request.

13 3. Violates subsection C of this section.

14 F. G. For the purposes of this section, "authorized agent" means a
15 third party retained by an insurer for the purpose of requesting department
16 information pursuant to subsection A of this section and subsection B,
17 paragraph 8 of this section but does not include an insurance producer as
18 defined in section 20-281 or a managing general agent as defined in section
19 20-311.

20 Sec. 2. Title 28, chapter 8, article 1, Arizona Revised Statutes, is
21 amended by adding section 28-3006, to read:

22 28-3006. Driver license and nonoperating identification license
23 applications; organ donation preference;
24 reimbursement

25 A. THE DIRECTOR SHALL ESTABLISH PROCEDURES:

26 1. TO ALLOW A PERSON APPLYING FOR A DRIVER LICENSE, PERMIT OR
27 NONOPERATING IDENTIFICATION LICENSE PURSUANT TO THIS CHAPTER TO INDICATE
28 DURING THE APPLICATION PROCESS THE PERSON'S PREFERENCE TO BE AN ORGAN DONOR.

29 2. FOR THE RELEASE OF NAME AND ADDRESS INFORMATION CONTAINED IN THE
30 DRIVING RECORD OF A PERSON WHO INDICATES A PREFERENCE TO BE AN ORGAN DONOR IF
31 THE RELEASE IS FOR THE PURPOSE OF BEING REGISTERED IN THE ANATOMICAL GIFT
32 REGISTRY MAINTAINED PURSUANT TO SECTION 36-842.01.

33 B. THE DEPARTMENT SHALL NOT IMPLEMENT THIS SECTION UNLESS THE ORGAN
34 PROCUREMENT ORGANIZATION THAT IS LOCATED IN THIS STATE AND THAT MEETS THE
35 REQUIREMENTS OF SECTION 371 OF THE PUBLIC HEALTH SERVICE ACT (58 STAT. 682;
36 42 UNITED STATES CODE SECTION 273) PROVIDES ADEQUATE FUNDING TO THE
37 DEPARTMENT TO COVER THE COSTS THE DEPARTMENT WILL INCUR IN IMPLEMENTING THIS
38 SECTION.

39 Sec. 3. Effective date

40 Section 28-450, Arizona Revised Statutes, as amended by Laws 2004,
41 chapter 188, section 25 and section 1 of this act and section 28-3006,
42 Arizona Revised Statutes, as added by this act, are effective from and after
43 December 31, 2005.

APPROVED BY THE GOVERNOR APRIL 25, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2005.

Passed the House March 8, 2005,

Passed the Senate April 13, 2005.

by the following vote: 59 Ayes,

by the following vote: 28 Ayes,

0 Nays, 1 Not Voting

1 Nays, 1 Not Voting

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

 day of , 20 .

at ~~o'clock~~ M.

Secretary to the Governor

Approved this _____ day of _____

_____ , 20 _____ ,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 20, 2005,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

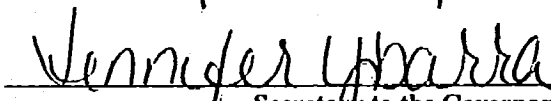

Speaker of the House
Pro Tempore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20th day of April, 2005

at 4:40 o'clock P. M.


Secretary to the Governor

Approved this 25 day of

April, 2005,

at 10⁰⁰ o'clock A. M.


Governor of Arizona

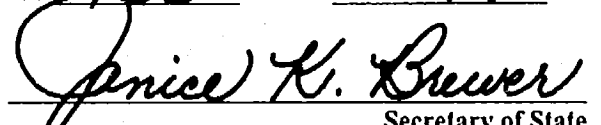
H.B. 2635

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2005,

at 4:33 o'clock P. M.


Secretary of State